

### **REMARKS**

Claims 20, 22-53, and 55 are all the claims pending in the application. This Amendment amends claims 20, 22, 26, 43, 46, and 53, cancels claim 22, 54, and 56, and addresses each point of rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

#### **Applicant requests acknowledgement of the Information**

#### **Disclosure Statement filed May 20, 2004.**

Applicant thanks the Examiner for the indication that claims 28-42 and 47-52 are allowed.

As an editorial matter, Applicant has amended claim 46 to delete the word “optimally.”

#### **Claim Rejections - 35 U.S.C. § 101**

Applicant thanks the Examiner for elaborating upon the § 101 rejections.

Claims 20, 24, 43, 44, 45, 53, and 56 are rejected as being “directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result...”

Applicant has incorporated the limitation of claim 21, reciting “selecting data based on results of said comparing,” into independent claim 20. Claim 21 is cancelled. Based on this amendment, Applicant submits that claims 20-27 are in condition for immediate allowance.

Similarly, Applicant has amended independent claim 43 to recite “selecting data based on results of said comparing,” which Applicant submits is a concrete, useful, and tangible result. Reconsideration and withdrawal of the § 101 rejection of independent claim 43 are requested. Likewise, withdrawal of the § 101 rejections of claims 44 and 45 is requested in view of their dependence from amended claim 43.

Applicant has incorporated the limitation of claim 54 into independent claim 53. Claim 54 is cancelled. Based on this amendment, Applicant submits that claims 53 and 55 are in condition for immediate allowance.

**Prior Art Rejections**

Claim 53 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent 5,446,850 to Jeremiah *et al.*

Applicant continues to disagree with the Examiner's interpretation of Jeremiah. However, to expedite prosecution, Applicant has incorporated the limitations of claim 54 into claim 53.

Withdrawal of the § 102(b) rejection is requested.

**Conclusion**

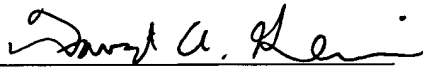
The Examiner is invited to contact the undersigned at (202) 220-4209 to discuss any matter concerning this application.

Applicant authorize the Commissioner to charge any fees determined to be due with the exception of the issue fee and to credit any overpayment to Deposit Account No. 11-0600.

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Respectfully submitted,  
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